

REMARKS

Claims 37-45, 48, 50 and 52 are pending in this application, of which claim 37 has been amended. No new matter has been added.

The Examiner has maintained from the previous Office Action of July 26, 2002 the following prior art rejections:

- ① The 35 USC §103(a) rejection of claims 37-47 as unpatentable over **Collins, Jr.** (previously applied) in view of U.S. Patent 5,412,193 to Swartz (hereinafter "**Swartz**"); and
- ② The 35 USC §103(a) rejection of claims 48, 50 and 52 as unpatentable over **Collins, Jr., Swartz and Ehrat.**

The Examiner has urged:

It is the examiner's position, however, that two obvious modifications, namely a battery in the place of a power cord, and RF communication instead of a cable to retrieve pricing information, permit the cart to be fully mobile.

It is respectfully submitted that the Examiner has not appreciated Applicants' argument regarding the independent mobility of the cart. As noted on page 7 of the previous response:

A novel aspect of the present invention is to utilize a totally independent system which requires no communication with an outside processor or computer, which would be unnecessary with a prepaid card system. **Collins, Jr.** requires such communication because it utilizes a credit card payment system and the remaining balance must be registered in the card user's account in an external computer.

Swartz et al. teaches a mobile checkout system that can be located anywhere and perform sales transactions, without having to be connected to a fixed external computer but, like Collins, Jr., fails to disclose the prepaid card system claimed in the present invention.

Accordingly, claim 37 has been amended to recite that “registering the result of the subtraction on the prepared card as a new remainder of prepayment” occurs “without any communication with an external processor or computer to assist in the registering process”.

Applicants respectfully submit that the Examiner has not recognized the distinction between a “debit card” and a “prepaid card”.

According to RANDOM HOUSE UNABRIDGED DICTIONARY, SECOND EDITION a debit card is “a plastic card that resembles a credit card but functions like a check and through which payments for purchases or services are made electronically to the bank accounts of participating retailing establishments directly from those of card holders”.

These electronic payments necessarily require connection with an external processor or computer.

However, as claimed in the present invention, a registering section subtracts a price of an individual commodity from current amount remaining (remainder of prepayment) read by a prepaid card reader. The registering section registers the result of the subtraction on the prepaid card as a new amount remaining (remainder of prepayment). All operations may be performed in the self-contained registering section without electronic connection between the registering section and any external processor or computer.

If, arguendo, the prepaid card of the present invention were a debit card, as defined by the RANDOM HOUSE dictionary, the registering section must then communicate with a bank computer, and subtract a price of an individual commodity from the user's current bank account balance. Then, the registering section must subtract the result from the account and register a new remainder amount (remainder of prepayment).

Namely, if a shopping cart is to be used for the debit card, a shopping cart for a prepaid card is required to equip any device to communicate with an external computer or an external processor of the bank to complete the transaction between the shopping cart and the bank.

Whereas, the claimed mobile shopping cart, which is for a "prepaid card", can be used without any communication with an external processor or a computer.

Thus, the 35 USC §103(a) rejection should be reconsidered and withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 37-45, 48, 50 and 52, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 08/792,468

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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